

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X
RICHARD ROSARIO,

Plaintiff,

-against-

CITY OF NEW YORK, et al.,

Defendants.
----- X

**DECLARATION OF
HANNAH V. FADDIS IN
OPPOSITION TO
PLAINTIFF'S
APPLICATION FOR FEES
AND COSTS**

18 CIV. 4023 (LGS)

HANNAH V. FADDIS, an attorney duly admitted to practice in the Courts of New York, declares, under penalty of perjury and pursuant to 28 U.S.C. § 1746, that the following statements are true:

1. I am a Senior Counsel in the Office of Hon. Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York ("City"), and the attorney assigned to represent defendants. As such, I am familiar with the facts and circumstances stated herein and submit this declaration in opposition to Plaintiff's Motion for Attorneys' Fees and Costs.

2. Plaintiff commenced this action by filing a summons and complaint in the Supreme Court of the State of New York Bronx County on January 29, 2018. A true and correct copy of that Complaint is attached hereto as Exhibit "A."

3. In the Complaint, plaintiff alleged claims for malicious prosecution under federal law, denial of the right to a fair trial, failure to intervene, civil rights conspiracy, supervisory liability, municipal liability, malicious prosecution under state law, intentional, reckless, or negligent infliction of emotional distress, negligence under state law, respondeat superior, and violations of the New York State Constitution against the City of New York, Gary Whitaker, Irwin Silverman, Charles Cruger, Joseph Fortunato, Richard Martinez, and Edward Monks.

4. This case was removed to the Southern District of New York on May 4, 2018.

5. This case was tried before a jury over ten days from July 25 to August 11, 2022, on plaintiff's claims for denial of the right to a fair trial, failure to intervene, and state law malicious prosecution against defendants Whitaker, Cruger, and Martinez.

6. During the course of the trial, text messages between plaintiff and one of his attorneys, Chip Loewenson—an affiant in support of the instant motion—were disclosed to defendants by plaintiff's counsel.

7. In those text messages, plaintiff indicated that he had been informed that he would have to pay his counsel in this matter a one-third contingency fee and \$300,000 in costs. A true and correct copy of that message is attached as Exhibit "B."

8. The jury rendered a verdict on August 11, 2022, in favor of defendants Martinez and Cruger, and against defendant Whitaker on plaintiff's claims for denial of the right to a fair trial and malicious prosecution, awarding \$5,000,000.00 in compensatory damages.

9. Plaintiff thereafter filed the instant fee application.

10. Attached as Exhibit "C" is a true and correct copy of the Declaration of Anna Benvenuti Hoffman filed in support of plaintiff's counsel's fee application in the matter of Restivo v. Nassau County, No. 06-cv-6720(JS)(SIL), ECF No. 234.

Dated: New York, New York
November 14, 2022



/s/

Hannah V. Faddis
Senior Counsel

cc: *All Counsel of Record*